

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Commonwealth of Virginia,)
)
Plaintiff,)
)
v.) **Criminal Action No. 1:21-CR-00092**
)
Lucas Vinyard,)
)
Defendant.)

NOTICE OF APPEAL

Notice is hereby given that the Plaintiff in the above-captioned matter, the Commonwealth of Virginia, appeals to the United States Court of Appeals for the Fourth Circuit from the October 22, 2021 Memorandum Opinion (Dkt. No. 23) and Order of the District Court (Dkt. No. 24) granting the Defendant's Motion to Dismiss (Dkt. No. 12). The Commonwealth also appeals to the United States Court of Appeals for the Fourth Circuit from the April 23, 2021 Order of the District Court (1:20-cv-1396, Dkt. No. 20)¹ ordering that the case be removed.

This appeal is taken under 28 U.S.C. § 1291.

Dated: October 26, 2021

Respectfully submitted,

By: /s/ Michelle S. Kallen
Michelle Shane Kallen (VSB #93286)
Acting Solicitor General

Mark R. Herring (VSB #31718)
Attorney General

Matthew B. Lowery (VSB #41662)
Deputy Commonwealth's Attorney

Erin B. Ashwell (VSB #79538)
Chief Deputy Attorney General

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¹ This case was initially docketed as a civil case, No. 1:20-cv-1396, before being subsequently docketed as a criminal case, No. 1:21-cr-92.

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2021, I electronically filed the foregoing with the Clerk of this Court by using the CM/ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Michelle S. Kallen
Michelle Shane Kallen (VSB #93286)